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PROVINCE OF MANITOBA.
Laws, Statutes, &c.

MANUAL

— OF —

SCHOOL LAW

— EMBRACING —

THE MANITOBA SCHOOL ACT AND THE AMENDMENTS THERETO

OF 1882, 1883 & 1884

CONSOLIDATED

— AND COMPILED WITH —

REGULATIONS, FORMS, NOTES AND REFERENCES.

PRINTED BY AUTHORITY.

WINNIPEG:
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1884.

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A MANUAL

OF

SCHOOL LAW

EMBRACING

"The Manitoba School Act," as amended by 45 Vic., Cap. 11; 46 and 47 Vic., Cap. 46; 47 Vic., Cap. 37; and 47 Vic., Cap 54. Consolidated, with notes, references and forms added

BOARD OF EDUCATION.

FORMATION.

1. The Lieutenant-Governor in Council shall appoint, to form and constitute the board of education for the Province of Manitoba, a certain number of persons, not exceeding twenty-one, twelve of whom shall be Protestants, and nine Roman Catholics; and if a lesser number be appointed, the same relative proportion of Protestants and Catholics shall be observed. Manitoba School Act, sec. 1.

TERM OF OFFICE.

2. Four of the Protestant members and three of the Roman Catholic members recorded at the foot of the list of the members of the board, as entered in the minute book of the executive council of the Province of Manitoba, shall retire and cease to hold office at the end of each year, which, for the purposes of this Act, shall be held and taken to be the second day of October annually: and the names of the members appointed in their stead shall be placed at the head of the list; and the seven members so retiring in rotation, and annually, may be eligible for re-appointment. M. S. A. sec. 2.

EXPLANATION.

In this Manual, "The Manitoba School Act" and its amendments are printed in type similar to that used in this paragraph.

Regulations, notes and forms are printed in smaller type, similar to this.

DUTIES.

M. S. A. sec. 3. **3.** It shall be the duty of the board :

(*a.*) To make from time to time such regulations as they may think fit, for the general organization of the common schools ;

(*b.*) To make regulations for the registering and reporting of daily attendance at all the common schools in the Province, subject to the approval of the Lieutenant-Governor in Council ;

(*c.*) To make regulations for the calling of meetings from time to time, and prescribe the notices thereof to be given to members.

M. S. A. sec. 4. **4.** The board of education shall meet on the first Thursday in March, June, September and December, and oftener if the superintendents thinks it necessary.

PROTESTANT AND CATHOLIC SECTIONS, THEIR POWER AND DUTIES.

M. S. A. sec. 5, as amended by 47 Vic., Cap. 37, sec. 1. **5.** The board shall resolve itself into two sections, the one consisting of the Protestant and the other of the Roman Catholic members thereof; and it shall be the duty of each section :

(*a.*) To have under its control and management the schools of the section, and to make, from time to time, such regulations as may be deemed fit for their general government and discipline, and the carrying out of the provisions of this Act ;

(*b.*) To arrange for the proper examination, grading and licensing of its teachers, the recognition of certificates obtained elsewhere, and for the withdrawing of the license upon sufficient cause ;

(*c.*) To select all the books, maps and globes to be used in the schools under its control, and to approve of the plans for the construction of school houses :

Provided, however, that in the case of books having reference to religion and morals, such selection by the Catholic section of the board, shall be subject to the approval of the competent religious authority ; and

(*d.*) To appoint inspectors, who shall hold office during the pleasure of the section appointing them ;

(*e.*) To make regulations regarding the selection of school sites, the size of school grounds and the formation and alteration of all school districts under its authority.

For regulations, see page 12.

TIME AND PLACE OF MEETING.

6. The board of education, or any section thereof may, whenever they shall see fit, appoint and hold a meeting of such board, or section in any part of the Province, and such meeting shall be as valid as if held in the city of Winnipeg, which shall be the usual place of meeting of such board or section. M. S. A. sec. 6.

QUORUM.

7. The quorum of the board of education shall consist of a majority of the members, and each of the sections of the same shall decide its own quorum. M. S. A. sec. 7.

VACANCY BY ABSENCE.

8. Any member of the board of education absenting himself from the meeting of his section, or of the board for six months, unless from sickness or absence from the Province, shall be considered to have *ipso facto* resigned his position, and the superintendent of the section to which he belongs shall notify the Provincial Secretary of the vacancy so caused, and the member appointed to replace him shall hold office only for the unexpired term of the member whom he replaces. M. S. A. sec. 8.

SUPERINTENDENTS.

APPOINTMENT.

9. The Lieutenant-Governor in council shall appoint one of the Protestant members of the board to be the superintendent of the Protestant schools, and one of the Catholic members to be superintendent of the Catholic schools, and the two superintendents shall be secretaries of the board. M. S. A. sec. 9.

POWERS AND DUTIES.

10. In addition to the duties specified in other clauses of this Act, it shall be the duty of superintendents of education, and they are hereby empowered : M. S. A. sec. 10, as amended by 46 and 47 Vic., Cap. 46, sec. 1, and 47 Vic., Cap. 37, sec. 2.

(*a.*) To call all meetings of the board of education and of their respective sections and also to call any school meeting required to be held under this Act when the parties who are otherwise invested with the power to do so, either neglect or refuse to exercise it ;

(*b.*) To have, as the executive officers of the board of education, the general supervision and direction of the schools of their section and of the inspectors that may from time to time be appointed and to have authority to take measures to enforce and carry into effect all the provisions of this Act and the regulations issued under its authority that relate to the schools within their respective jurisdictions ;

(*c.*) To give such explanations of the provisions of this or any other school act, and of the regulations and decisions of their respective sections as may be required, and to enforce the same ; and

(*d.*) To prepare during the first term of the school year a report to the Lieutenant-Governor in council upon all the schools under their supervision for the previous school year, accompanied with full statistical tables, showing, among other things, the number of children of school age in each district as shewn by the census returns for that year, the number who have attended school and the average attendance, as shewn by the semi-annual returns of the different teachers, and such report shall also contain a statement of the receipts and expenditure of all Government money furnished to the section for common school purposes.

To decide upon the legality of any meeting of ratepayers called within a school district : see M. S. A., sec. 21, sub-sec. (*a.*)

To decide in case of dispute as to the liability of property to taxation in school districts for one-fourth of the school estimate : see M. S. A., sec. 25, sub-sec. (*a*), as amended by 47 Vic., Cap. 37, sec. 8.

To transmit to the Government on or before December 18th all census returns received by him from trustees before December 10th : see M. S. A., sec. 83.

To deposit all moneys received by him for educational purposes, as the Lieutenant-Governor in Council may direct : see M. S. A., sec. 89.

To make all payments authorized by his section of the board of education by cheque upon the bank in which the moneys for its use are deposited : see M. S. A., sec. 91.

To act as arbitrator in disputes between teachers and trustees in regard to the teacher's salary : see M. S. A., sec. 95.

To inquire into and report upon the propriety of granting applications from school districts for authority to issue debentures : see 46 and 47 Vic., sec. 18.

In case of the absence of a superintendent he may, with the sanction of the Lieutenant-Governor in council, appoint a member of his section of the board of education to act for him. M. S. A. sec. 11.

ANNUAL CENSUS OF CHILDREN.

11. The school trustees in each school district shall, between the first and thirtieth day of November in each year, cause to be made by their secretary-treasurer a census of the children in such school district, from the age of five years inclusive, to the age of fifteen years inclusive, giving the age in each case, and mentioning those who attend the school; and such census, after being certified by the secretary-treasurer of the school district under oath and signed by at least one of the trustees shall, on or before the tenth of the month of December following, be presented to the proper superintendent, whose duty it shall be to forward the same to the Provincial Secretary within the eight days following; and no census shall be received by the superintendents respectively, after the said date of the tenth day of December in each year. M. S. A. sec. 83, as amended by 47 Vic., Cap. 37, sec. 23.

No school district whose census return has not been sent to the Superintendent as above required, shall be entitled to share in the Legislative grant for the following year: see M. S. A., sec. 90 (*d.*)

12. Every father, head of family, or guardian, who refuses to give to the trustees of any school district the information required by them, to enable them to make up the census of children required by this Act, or who makes a false declaration, shall incur a penalty of not less than five nor more than twenty-five dollars. M. S. A. sec. 110.

LEGISLATIVE GRANT.

APPORTIONMENT.

13. The sum appropriated by the legislature for common school purposes, shall be divided between the Protestant and Roman Catholic sections of the board of education, in the manner hereinafter provided, in proportion to the number of children between the ages of five and fifteen inclusive, residing in the various Protestant and Roman Catholic school districts in the Province where schools are in operation, as shown in the census returns. M. S. A. sec. 84.

14. The Provincial Treasurer and one other member of the executive council to be appointed by the Lieutenant- M. S. A. sec. 85.

Governor shall form a committee for the apportionment of education funds and legislative grant between the Protestant and Catholic sections of the board of education; and the selection of a member of the executive council to act as a member of such committee, shall, when practicable, be so made, or from time to time changed by the Lieutenant-Governor, as to secure that one member of the said committee may be of the Protestant and one of the Catholic persuasion.

M. S. A. sec. 86. **15.** It shall be the duty of such committee on or before the fifteenth day of January in each year to apportion the education fund, and within two weeks after the prorogation of the session of the legislature at which the grant for education is voted, to apportion said grant between the Protestant and the Catholic sections of the board of education, according to the aggregate number of children being respectively Protestant and Catholic between the ages of five inclusive and fifteen inclusive who shall be found from the census hereinbefore prescribed, to be residing within all the school districts existing in the Province.

DEFECTIVE CENSUS RETURNS.

M. S. A. sec. 87. **16.** If the census returns upon which such apportionment is at any time to be made, or any of them be defective in any respect, the said committee shall have power to require school trustees to supply to the committee such information as will enable them to correct the same.

SEMI-ANNUAL PAYMENTS.

M. S. A. sec. 88. **17.** After such apportionment shall have been made to the Protestant and Catholic sections of the said board of education, the sum due to each section shall be paid by two semi-annual payments.

DEPOSIT OF SCHOOL MONEYS.

M. S. A. sec. 89. **18.** The superintendent of each section shall deposit such money in such bank as the Lieutenant-Governor in council may direct.

EXPENDITURE OF LEGISLATIVE GRANT.

EXPENSES OF THE BOARD OF EDUCATION.

19. From the sum so appropriated to each section there shall first be paid the incidental expenses of that section, and such sums to the superintendents of education as the Lieutenant-Governor in council may deem just, and each section of the board may reserve for unforeseen contingencies, a sum not exceeding ten per cent. of its share of the appropriation. M. S. A. sec. 90.

HALF YEARLY PAYMENTS TO SCHOOLS.

(*b.*) Then the sum of fifty dollars shall be paid semi-annually to each school which has been in operation during the previous term; and in the case of newly established schools, to those which have been in operation for at least one month of said term;

(*c.*) The residue then remaining may be divided annually or semi-annually among all the schools, upon the basis of the average attendance of pupils attending said schools as shown in the semi-annual returns made by the teachers.

SCHOOLS NOT ENTITLED TO LEGISLATIVE GRANT.

(*d.*) No school shall be entitled to receive any portion of the legislative grant, whose trustees have neglected to transmit within the time provided by law in the preceding year, the census returns which form the basis of the apportionment of the public funds.

20. Any school not conducted according to all the provisions of this or any other Act in force for the time being, shall not be deemed a public school within the meaning of the law, and such school shall neither participate in the educational funds nor in the legislative grant. M. S. A. sec. 92.

PAYMENTS SHALL BE BY CHEQUE.

21. All payments authorized by the section shall be made by the superintendent by cheque upon the bank in which the moneys have been deposited, or, in case of the absence of the superintendent, by some person duly authorized to act for him. M. S. A. sec. 91.

SCHOOL DISTRICTS.

FORMATION AND ALTERATION.

M. S. A. sec. 12, as amended by 47 Vic., Cap. 37, sec. 3.

22. It shall be the duty of the council of each municipality to establish and alter, when necessary, the school districts within its own bounds, and in case any school district or proposed school district should be included in more than one municipality, its formation or alteration shall be made by the reeves or mayors of such municipalities and the local inspector or inspectors of schools; provided that the formation or alteration of school districts by municipal councils or by the reeves and mayors of municipalities and the local inspector or inspectors shall be made under the regulations that may, from time to time, be issued for that purpose by the section of the board of education concerned, and all by-laws and resolutions for forming or altering school districts shall be submitted to such board and receive its sanction before they can be carried into effect; provided also that, upon the refusal or neglect of any council, or of the reeves and mayors and local inspectors of the municipalities concerned, to establish or alter any school district, when petitioned to do so by at least five heads of families resident therein, or, upon an appeal against the action of such body forming or altering any school district, the section of the board of education concerned shall be empowered to confirm or annul the action appealed against, or to form or alter such school district as they may think fit, within three months after their receipt of such appeal or petition; provided further that no school district shall be organized under this Act unless there shall be at least ten children of school age living within the same and situated not over three miles from a point that may in any wise be fixed as the first school site.

Union school districts may be formed from portions of a city or town and rural municipality: See M. S. A., sec. 15, as amended by 47 Vic., cap. 37, sec. 3.

Regulations of both sections of the Board of Education, for the formation and alteration of school districts and the selection of school sites, adopted May 16th, 1884.

Section 12 of the Manitoba School Act, as amended by the Manitoba School Amendments Act, 1884, section 3, provides for the formation and alteration of school districts under regulations issued by each section of the Board of Education, as follows:

(1) School districts lying wholly within a municipality, by the council of the municipality.

(2.) School districts including parts of two or more municipalities, by the reeves of the municipalities and the local inspector (*Catholic or Protestant, as the case may be*) (the inspector, convener).

(3.) School districts including parts of one or more municipalities and a city or town, by the reeves, the mayor and the local inspector (*Catholic or Protestant, as the case may be*) (the inspector, convener).

REGULATION I.

FORMATION OF SCHOOL DISTRICTS.

No school district (*Protestant or Catholic, as the case may be*) shall be formed except upon the petition of at least five resident heads of families to the council or to the reeves and inspector (*Protestant or Catholic, as the case may be*) of the municipalities concerned. Such petition shall set forth :

(1.) The lands desired to be included in the proposed school district.

(2.) The location of a school site, as recommended by the petitioners, and found by them to be purchasable or obtainable.

(3.) The number of children of school age of the denomination concerned (from 5 to 15 years, inclusive) resident in the proposed district, within three miles from the school site.

(4.) The distance of the school site from the nearest school of the same denomination, and the lands (if any) belonging to any other school district, included in this petition.

(5.) The name of the proposed school district.

II. The council or other persons empowered to deal with a petition for the formation of a school district, may, as they deem proper :

(1.) Grant such petition ;

(2.) Refuse to grant such petition ;

(3.) Grant it with such modifications, in the boundaries of the district or the location of the school site as they may deem advisable.

READJUSTMENT.

III. School districts may be readjusted by the council of the municipality or by the reeves and local inspector (*Protestant or Catholic, as the case may be*, as follows :

(1.) On the petition of parties desiring a readjustment ;

(2.) Without petition, upon at least two weeks' notice being given by the council or by the reeves and said local inspector to the secretary-treasurer of any school district to be affected by a proposed alteration.

IV. All petitions for the formation or alteration of any school district shall, before being acted upon, be posted up for at least two weeks in the post office within or nearest to the district concerned ; and when presented, shall be accompanied by a declaration made before a justice of the peace that they had been so posted up.

V. All by-laws or resolutions passed by a council or by the reeves and local inspector, forming or altering a school district, shall be submitted to the section of the Board of Education concerned for confirmation before such by-laws or resolutions can be carried into effect; and for that purpose a certified copy of each such by-law or resolution, accompanied with the

petitions presented in connection therewith, shall be sent forthwith to the proper superintendent.

VI. Each section of the Board of Education shall receive and consider all appeals regarding the formation and alteration of any school district under its authority, and, within three months after their receipt of such appeal, shall confirm, annul or modify the formation or readjustment complained of, and such action shall be final.

VII. Upon the confirmation of any by-law or resolution for the formation or alteration of a school district, by either section of the Board of Education, the proper superintendent shall give notice thereof to the parties interested and shall give directions for the calling of the first meeting.

FORM OF PETITION

FOR THE FORMATION OF A SCHOOL DISTRICT.

To the Reeve and Council of the Municipality of.. ....

(*Or, in case of a union school district*):

To the Reeves and Inspector of the Municipalities of..... .... and..... ....

The petition of the undersigned Protestant (or Catholic) heads of families, resident within the proposed school district, humbly showeth :

1. That they desire the following lands to be included in a Protestant (or Catholic) school district, viz. :

... ...
....
....
....

2. That a suitable school site, now proposed by your petitioners for the said district, is obtainable at..... ....

3. That there are..... .... Protestant (or Catholic) children of school age, resident within three miles of the school site above described.

4. That the nearest Protestant (or Catholic) school house is distant.... .. ..miles from the said school site.

5. That the following lands now belonging to other Protestant (or Catholic) school districts, are included in this petition, viz. :

....
....
....

6. That the name desired by your petitioners to be given to the proposed district is..... ....and that the first meeting may be called at..... ....

M. S. A. sec. 12, sub-sec. (*a*), as amended by 47 Vic., Cap. 37, sec. 3.

(*a.*) It shall be the duty of the clerk of each municipality, within one month after the passing of this Act to transmit a description or map of all the lands included in

each school district within his municipality to the superintendent of education to whom such districts belong, under a penalty of five dollars for neglect or refusal.

LIABILITY OF PROPERTY FOR DEBENTURE INDEBTEDNESS AFTER READJUSTMENT.

M. S. A. sec. 13, as amended by 47 Vic., Cap. 37, sec. 3.

23. In case of the readjustment of any school district subsequently to an issue of debentures by such district, and before the said debentures have been fully paid, all lands added to the school district by such readjustment shall thereafter be liable to taxation in common with the remaining portion of the school district for the purpose of meeting payments on such debentures as they become due, and all persons assessed for lands detached from any school district after an issue of debentures in such district and before the said debentures have been fully paid, shall, in case of their assessment for the payment of debentures in any other school district, be entitled to receive back all sums for which they may thereafter be assessed for payments on debentures in any school district except that in which they then reside.

SETTLEMENT OF CLAIMS BY ARBITRATION AFTER RE-ADJUSTMENT OF SCHOOL DISTRICTS.

M. S. A. sec. 14.

24. In all cases of re-adjustment, the inspector of schools for the district jointly with one competent person to be appointed by each board of trustees, whose district the re-adjustment may affect, who shall be non-residents of the said districts, shall form a board of arbitration, whose duty it shall be to value the existing school houses, school sites, and other school property or assets, within the terrritories re-adjusted, and ascertain the respective debts and liabilities thereof; and the said board or a majority of its members shall thereupon adjust and settle in such a manner as they may deem just and equitable, the respective rights, claims and demands of the parties interested; and their award in writing, including their own reasonable costs and charges, may be enforced in the county courts of the Province, and which said award shall in all respects be subject to appeal to the court of Queen's Bench, the same as awards in civil matters.

SCHOOL MEETINGS.

FIRST MEETING.

The first meeting in every new school district shall be called by direction of the Superintendent of Education, after its formation has been duly confirmed by the Board of Education. See M. S. A. sec. 12 as amended by 47 Vic., Cap. 37, sec. 3, and Regulations, page 12.

PROCEEDINGS AT FIRST MEETING.

M. S. A. sec 18. **25.** At the first meeting in any new school district, such meeting being duly organized by the election of a chairman and secretary, the majority of the resident freeholders and householders present, of the full age of twenty-one years, shall elect three persons to be school trustees for such district ; and

(*a.*) The first person elected shall continue in office for two years to be reckoned from the annual meeting next after his election, and until his successor has been appointed ;

(*b.*) The second person elected shall continue in office for one year to be reckoned from the annual meeting next after his election, and until his successor has been appointed, and

(*c.*) The third and last person elected shall continue in office until the next ensuing annual school meeting, and until his successor has been appointed ;

VOTERS AT FIRST MEETING.

(*d.*) Until a school tax has been imposed in any organized school district, every resident freeholder and householder of the full age of twenty-one years, shall be eligible for the office of trustee, and may take part in any school meeting.

NOTICE.

M. S. A. sec. 16. **26.** All school meetings after the first shall be called by the respective boards of trustees, in accordance with the form of notice furnished by the section of the board of education to which the district belongs.

ANNUAL MEETING.

27. On the first Monday of February in each year, a meeting of the ratepayes of each school district, of the age of twenty-one years and upwards, shall be called by the board of trustees, by notice posted by them on the schoolhouse, if there be one, or in three public places in the district, at least two weeks in advance; and the majority of the electors present shall choose one or more persons (*as the case may be*) to be school trustees for the district, and two auditors; and shall receive and decide upon the annual report of the trustees and the report of the auditors and transact such other business as may have been set forth in the notice calling the meeting. M. S. A. sec. 20, as amended by 47 Vic., Cap. 37, sec. 5.

28. When in a district, for any cause, the annual school meeting has not been held on the first Monday in February, the trustees shall appoint another day for the holding of such meeting: provided that if the trustees fail to call such meeting, the superintendent of the section to which the district belongs shall call it. M. S. A. sec. 21 as amended by 47 Vic., Cap. 37 sec. 6.

Form of notice for annual school meeting in rural school districts.

ANNUAL SCHOOL MEETING.

The annual public meeting of the ratepayers of the school district, will be held in the School House, on Monday, February , 188 , at 10 o'clock a.m., to receive a statement of the receipts and expenditure for the past year: to elect a trustee to fill the place of the trustee whose term of office expires, and two auditors; to receive the annual report of the trustees and the report of the auditors; and generally, to discharge such duties as are required by law to be done.

By order of the Board of School Trustees.

S. M.,
Secretary-Treasurer.

Dated this day of A.D., 188

SPECIAL MEETINGS.

29. All special meetings of the ratepayers in a school district shall be called by the trustees or the superintendent, by posting up notices in at least three public places within the school district, at least two weeks previous to such meeting; the business to be considered at such meeting shall be plainly set forth in the notices calling the same and no other business may be legally transacted at a special meeting but such as may be held in accordance with these provisions. M. S. A. sec. 20, as amended by 47 Vic., Cap. 37 sec. 5 (a).

Trustees are required to call special school meetings when requested to do so by a majority of the ratepayers or the Superintendent. See sec. 13 of 47 Vic., cap. 37. (*k.*) page 25.

Form of notice for special school meeting.

SCHOOL MEETING.

Notice is hereby given that a special meeting of the ratepayers of the school district will be held at house, on 188 , at 10 o'clock a.m., for the purpose (here state in full the business to be brought before the meeting.)

By order of the board of school trustees.

S. M.,
Secretary-Treasurer.

Dated this day of A.D., 188

SETTLEMENT OF DISPUTES.

M. S. A. sec. 21, as amended by 47 Vic., Cap. 37, sec. 6 (*a*).

30. If, within thirty days after the holding of a school meeting, a complaint be made in writing to the superintendent regarding the legality or regularity of the proceedings at such meeting, he may cause an investigation to be held, and in his discretion declare the proceedings void, and cause another meeting for the same purpose to be called, or may ratify and confirm such proceedings, and any decision so rendered by such superintendent shall be final.

MODE OF PROCEEDING AT A SCHOOL MEETING.

M. S. A. sec. 17.

31. At every school meeting as authorized and required to be held under this present Act, the ratepayers, or if it is a first meeting in a new district, then the freeholders and householders present at such meeting, or a majority of them ;

(*a.*) Shall elect a chairman : and the chairman of the meeting shall decide all questions of order, subject to an appeal to the meeting, and in case of equality of votes, he shall give the casting vote, but he shall have no vote as chairman, and the chairman shall take the votes in the manner desired by a majority of the electors present, unless a poll be demanded by any elector present, when he shall be the returning officer ;

(*b.*) Shall elect a secretary ; and the secretary shall record the proceedings of the meeting in a book kept for that purpose, and if a poll be held, he shall record the names of the voters, and the candidate or candidates for whom each elector votes ; and such poll shall be held on the day of such meeting and shall be kept open until four o'clock in the afternoon, unless at any time one hour shall have elapsed without a vote being recorded ;

(*c.*) A copy of the minutes of all school meetings shall be transmitted to the superintendent within ten days after the holding of such meeting.

VOTERS' LIST.

32. It shall be the duty of the city or town clerk, or clerks of municipalities to furnish to the board of school trustees five days before the annual school meeting authorized to be held under this Act, a certified copy of the last revised municipal voters' list for each ward in the city, town or municipality in which such Acts are in force. M. S. A. sec. 99.

VOTER'S DECLARATION.

33. Except as provided for the first election of trustees and in the case of any person or persons who have been included in a school district after the last preceding assessment and levy of taxes within the same, no person shall be entitled to vote at any school meeting whatever, unless he shall have been assessed; and in case an objection be made to the right of any person to vote in a district, the chairman shall, at the request of any elector present, require the person whose right of voting is objected to, to make the following declaration (*or* affirmation):— M. S. A. sec. 23, as amended by 47 Vic., Cap. 37, sec. 7.

I, A. B., do declare (*or* affirm) that I have been rated on the assessment roll of this or some other school district, and that I am legally qualified to vote at this election.

Thereupon the person making such declaration shall be permitted to vote and not otherwise.

Amend

FALSE DECLARATION.—PENALTY.

34. If any person wilfully makes a false declaration of his right to vote, he shall be liable to a penalty of not less than fifty nor more than one hundred dollars. M. S. A. s. 112.

MINUTES OF MEETINGS TO BE SENT TO SUPERINTENDENT.

35. The proceedings of every school meeting shall, within eight days thereafter, be reported by the chairman of such meeting to the superintendent of his section, under a penalty of five dollars. M. S. A. s. 113.

DISTURBANCE OF MEETING OR OF SCHOOL SESSION.

36. Any person who wilfully disturbs, interrupts or disquiets the proceeding of any school meeting, or any one who interrupts or disturbs any public school by rude or indecent behaviour, or by making a noise either M. S. A. s. 114.

within the place where school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall for each offence, on conviction thereof, before a justice of the peace, forfeit and pay a sum not exceeding twenty dollars, together with the costs of the conviction, as the said justice may think fit.

SCHOOL TRUSTEES.

CORPORATE POWERS.

M. S. A. sec. 34.

37. The school trustees in each school district, shall be a corporation under the name of "the school trustees for the Protestant, (*or* Catholic, *as the case may be*) school district of in the County of ;" they shall have perpetual succession, and a common seal, if they think proper to have one; they may sue, and be sued, and shall generally have the same powers which any other body politic or corporate has, or ought to have, with regard to the purposes for which it is constituted.

TERM OF OFFICE.

M. S. A. sec. 35, as amended by 47 Vic., Cap. 54, sec. 1.

38. Except as elsewhere provided, the time of holding office as school trustee shall be three years; provided that the trustees in any year elected shall remain in office until their successors are elected; and to remove all doubts as to the past, it is hereby declared and enacted that this clause, as hereby amended, shall have a retroactive effect up to the first of January, 1882, and that all acts and things done and passed by a board of trustees, the term of office of some or all of whom should have expired by lapse of time or by some provision of law, are legal and binding to all intents and purposes.

DISQUALIFICATIONS.

M. S. A. sec. 53, as amended by 47 Vic., Cap. 47, sec. 17.

39. Except as provided in clause eighteen,* no person shall be eligible to be elected or to serve as a school trustee who is not a resident ratepayer of the district ~~or ward~~ which he proposes to represent.

M. S. A. sec. 54.

40. No person convicted of felony or of an infamous crime shall be eligible to be elected as a school trustee.

M. S. A. sec. 41, as amended by 47 Vic., Cap. 37, sec. 14.

41. It shall not be lawful for any trustee to enter into a contract with the corporation of which he is a member,

* See M. S. A., sec. 18, page 14.

or to have any pecuniary claim on such corporation, except for a school site, or as a secretary-treasurer, and then only when he shall have been appointed by the other two members of the corporation.

42. No school trustee shall be teacher or inspector of any school in his school district. M. S. A. sec. 42.

DECLARATION OF OFFICE.

43. Every trustee after his election and before he shall be entitled to sit or vote as such at any meeting of the board, shall make before the chairman of the school meeting at which he was elected or before a justice of the peace, a declaration, which he shall produce and deposit with the secretary-treasurer of the board, and which shall be in the following form: "I, A. B., do solemnly declare that I will truly, faithfully, and to the best of my ability and judgment discharge the duties of the office of school trustee for the school district of to which I have been elected. M. S. A. sec. 36, as amended by 46 and 47 Vic., Cap. 46, sec. 10.

Dated at the
day of 18

"Taken before me, &c. A. B.
C. D.

"J. P. (or chairman, &c., as the case may be.)"

REFUSAL TO SERVE.

44. Any person elected to the office of school trustee who refuses to serve as such, shall forfeit the sum of five dollars for the use of the school district, and his neglect or refusal to take the declaration of office within one month after his election, if resident at the time within the district, shall be construed as such refusal, after which another person shall be elected to fill the place; but no school trustee shall be re-elected, except by his own consent, during the four years next after his going out of office. M. S. A. sec. 43, as amended by 47 Vic., Cap. 37, sec. 15.

REFUSAL OR NEGLECT TO PERFORM DUTIES.

45. Any person chosen as trustee who has not refused to accept office, and who at any time refuses or neglects to perform his duties shall forfeit the sum of twenty dollars. M. S. A. sec. 115.

M. S. A. sec. 116. **46.** Should the trustees of any public school wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act or any other Act or Acts of this Province, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such powers shall be held to be personally responsible for the fulfilment of such contract or agreement.

M. S. A. sec. 117. **47.** All such prosecutions for fines and penalties may be instituted by any competent person, before any justice of the peace who may convict the offender on the oath of one credible witness, other than the prosecutor; and if upon conviction, the penalty, with costs is not paid forthwith, the same shall, under warrant of such justice, be levied with costs of distress and sale of the goods and chattels of the offender; and such penalty when so paid and collected shall, by such justice, be paid over to the school fund of the district to which such delinquent belongs.

VACATION OF OFFICE BY RESIGNATION OR NON-RESIDENCE.

M. S. A. sec. 44. **48.** Any person chosen as trustee may resign with the consent expressed in writing of his colleagues in office, and a continuous non-residence of three months, shall cause the vacation of his office.

DISPUTED ELECTIONS.

M. S. A. sec. 66. **49.** Any school trustee whose election has been obtained by fraud or statagem or by the votes of persons not qualified as electors, or any person usurping the functions of school trustee, or illegally holding that office, may be summarily prosecuted, at the instance of any party interested, or several collectively interested, before any one of the judges of the county court of the county in which such election, usurpation or illegal retention of office has taken place for the purpose of declaring such election, or such retention of office, illegal, and such seat vacant.

M. S. A. sec. 67, as amended by 46 and 47 Vic., Cap. 46, sec. 15. **50.** It shall be the duty of any judge of the court of Queen's Bench or of the county court of this Province, or any stipendiary magistrate, to investigate and decide any complaints which may be made in the manner provided by the statute in that behalf, in regard to the election of any school trustee, or in regard to any proceeding at any school meeting: provided always that no complaints in regard to an election or proceeding at any school meeting

shall be entertained, unless made in writing within twenty days after the holding of such election or meeting. The costs and expenses of any such investigation shall be paid by the parties concerned in it, as such judge or magistrate may decide, but such judge or magistrate shall not be entitled for his own services or fees to a greater sum than five dollars per day for each day actually engaged in such investigation.

51. All contestations with regard to the election of school trustees, and to the functions and powers assumed by school trustees or any of them, or their officers, or by any person or persons claiming to be such trustee or trustees, or officer or officers, may by any competent person be brought, by a petition setting forth the case, of which a copy must have been served on the parties concerned, before the county court, at its next sitting, and shall then be determined in a summary manner, on the evidence adduced; but no resolution, by-law, proceeding or action of any board of trustees shall be invalid or set aside by reason of any person whose election has been annulled or declared illegal having acted as a trustee. M. S. A. sec. 65, as amended by 47 Vic., Cap. 37, sec. 20.

VACANCIES FILLED.

52. In all cases of vacancy, another trustee shall be elected at a meeting called by the trustees or trustee remaining in office, and the person so elected shall hold office for the unexpired term of the trustee whom he replaces: provided that if the vacancy is not filled within one month, the superintendent shall appoint some qualified person to fill it. M. S. A. sec. 45.

53. In all cases of prolonged incapacity arising from sickness, no election or appointment to fill the said office shall take place, unless the said incapacity has been established by the certificate of a physician, deposited with the secretary-treasurer, and the vacancy arising from such incapacity shall date from the day of the deposit of such certificate. M. S. A. sec. 46.

TRUSTEES' MEETINGS.

FIRST MEETING.

54. The school trustees shall meet within ten days after receiving notice of their election, for the purpose of choosing a chairman and a secretary-treasurer, and transacting such other business as may be required. M. S. A. sec. 37.

TEMPORARY CHAIRMAN.

(*a.*) In case of absence of the chairman from any meeting of the board, the then assembled school trustees shall elect one of their number to act in that capacity for the time being, who shall then be vested with the same powers and privileges as the ordinary chairman.

MODE OF DECIDING QUESTIONS.

M. S. A. sec. 36. **55.** In the meetings of the school trustees all questions shall be decided by the majority of votes, and the chairman shall have the right to vote, but in case of an equality of votes the question shall be decided in the negative.

MEETINGS ILLEGAL UNLESS PROPERLY CALLED.

M. S. A. sec. 40. **56.** No act or proceeding of a board of trustees shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the corporation, of which notice shall have been given by either one of their body, or the person chosen by them to act as secretary-treasurer, to all the trustees, and a majority of the trustees at such meeting shall have full authority to perform any lawful business.

MINUTE AND ACCOUNT BOOKS.

It shall be the duty of the board of trustees:

M. S. A. sec. 39 sub-sec. (*g.*) **57.** (*g*) To keep a record of their proceedings, signed for each sitting by the chairman and secretary, and also correct accounts of their receipts and expenditures, with reference to the school or schools under their control, mentioning specially what relates to each school; and such accounts shall at all reasonable hours be open to the inspection of the ratepayers of the school district.

POWERS AND DUTIES OF SCHOOL TRUSTEES.

TO HOLD PROPERTY, BUT NOT TO DISPOSE OF IT WITHOUT CONSENT OF THE BOARD OF EDUCATION.

58. It shall be the duty of the board of trustees:

M. S. A. sec. 39, as amended in sub-sections (*h*), (*i*), (*j*) and (*k*) by 47 Vic., Cap. (*a.*) To take possession and have the custody and safe keeping of all common school property, which has been acquired or given for common school purposes under

this Act, in their district, and such corporation shall be empowered to acquire and hold, as a corporation, by any title whatsoever, any land, moveable property, moneys, or income for school purposes, and to apply the same according to the terms on which the same was acquired, or received, but they shall not without the sanction of the section of the board of education to which they belong have power to alienate or dispose of any school real estate; 37, sections 12 and 13, and by 46 and 47 Vic., Cap. 46, sec. 11.

PROVIDE SCHOOL HOUSE AND APPARATUS.

(*b.*) To do whatever they may judge expedient with regard to building, repairing, renting, warming, furnishing, and keeping in order, the schoolhouse or schoolhouses in their district, its furniture and appendages, and the school land and enclosures held by them, and for procuring apparatus and school books for their school, and when there is no suitable schoolhouse belonging to the district, or when a second schoolhouse is required, then, to build, rent, repair, furnish, warm, and keep in order, a house and its appendages to be used as a schoolhouse;

EMPLOY TEACHERS.—WRITTEN AGREEMENT.

(*c.*) To contract with and employ such teachers exclusively who hold certificates from that section of the board of education through which they receive the legislative grant, and such contract shall be in writing and signed by the contracting parties;

Form of agreement between Trustees and Teacher.

We, the undersigned Trustees of School District, in the County of , have chosen who holds a class certificate of qualification, to be a Teacher in the said School; and we do hereby contract with and employ such teacher at the rate of per annum, (or, as the case may be) from and after the date hereof, and we do further bind and oblige ourselves and our successors in office, faithfully to collect and pay the Teacher, during the continuance of this agreement, the sum for which we hereby become bound; the said sums to be paid to the said Teacher And the said Teacher hereby contracts with the Trustees hereinafter named, and binds himself to teach and conduct the School, according to the School Laws and the regulations in force under their authority.

This agreement shall continue in force from the date hereof, unless the certificate of the said Teacher should in the meantime be revoked, and shall not include any teaching on Saturdays, or on other lawful holidays or vacations decided on, *e. g.*

All such holidays and vacations being at the absolute disposal of the Teacher, without any deduction from his salary whatever.

} Trustees.

Dated this day of A.D., 18 } Teacher.

(*d.*) To provide for the salaries of teachers, and all other expenses of the school;

VISIT THE SCHOOL.

(*e.*) To visit the school once a month, for the purpose of seeing that it is conducted according to the prescribed regulations of the board of education; and the school trustees, or any of them, shall, if necessary, make any suggestions in accordance with the said regulations, with a view to the more efficient working of the school, and should the teacher fail to act upon them, the matter shall be referred to the whole body of trustees, who shall report to the superintendent;

DEAL WITH COMPLAINTS.

(*f.*) To see that the discipline of the school is properly enforced; at duly called meetings of the board of trustees to expel unmanageable pupils, on the complaint of the teacher; to deal with complaints and appeals from parents or the teacher; and hold meetings to enquire into the same;

ADMIT NON-RESIDENTS.

47 Vic., Cap. 37, sec. 12.

(*h.*) To admit as pupils of the school any children whose parents or guardians are not assessed and do not pay the special tax for one-fourth of the estimated expenses of the school as provided in sections 25 and 26 of this Act, and to charge and collect a sum not exceeding fifty cents per month for each of such pupils.

KEEP SCHOOL OPEN SIX MONTHS.

46 and 47 Vic., Cap. 46, sec. 11.

(*i.*) To have their school in operation for at least six months every year when there are not less than ten children of school age in their district.

REPORT TO SUPERINTENDENT.

47 Vic., Cap. 37, sec. 13.

(*j.*) To transmit to the superintendent the half-yearly and annual reports and the census returns, required by him, on the forms provided, and to cause their books and accounts at any time, to be laid open to his inspection or to that of any person appointed by him for that purpose.

REPORTS TO BE SENT TO THE SUPERINTENDENT.

Census Returns, before December first, but not later than December 10th: See M. S. A., sec. 83, and amending Act, page 7.

Annual Financial and Statistical Report, within ten days after the annual meeting.

Half-yearly report of attendance, within ten days after the close of each half-yearly term.

CALL SPECIAL MEETINGS OF RATEPAYERS.

(*k*.) To call special meetings for any purpose whatever whenever required to do so by the majority of the ratepayers, or by superintendent of education. 47 Vic., Cap. 37, sec. 13.

FALSE REPORT.—PENALTY.

59. If any trustee of a school, or other person, knowingly signs a false report, or if any teacher of a common school keeps a false school register, or makes a false return with a view of obtaining a larger sum than the just proportion of school moneys coming to such school, such trustee or teacher shall for each offence forfeit the sum of twenty dollars. M. S. A. sec. 109.

SINKING FUND INVESTMENT.

60. The trustees of any school district may under the advice and with the consent of the proper superintendent of education, invest any money under the control of such trustees as a sinking fund for the payment of any loan or otherwise held for school purposes and not required for expenditure within twelve months. 46 and 47 Vic., Cap. 46, sec. 24.

SALE OF REAL ESTATE.

61. The trustees of any school district may, with the consent and approval of the proper superintendent of education, sell and dispose of any land or real estate or any interest therein for the benefit and advantage of said school district, and convey the same or any portion thereof in fee simple or for any lease estate to any purchaser or purchasers thereof, or of any interest of freehold, leasehold, or other estate therein, by deed or other instruments, as the case may be, signed by the chairman and the secretary-treasurer of such school district. 46 and 47 Vic., Cap. 46, sec. 25.

ACCESS TO ASSESSMENT ROLL.

M. S. A. sec. 47. **62.** The board of school trustees or their secretary-treasurer shall have at all times during office hours free access to the assessment roll of the municipality, and they shall be permitted to copy therefrom that portion of it having reference to their respective school districts, together with the names and amount for which each individual is assessed.

PROSECUTION BY OR OF SCHOOL TRUSTEES.

M. S. A. sec. 61. **63.** The school trustees of any school district may institute suits, or prosecutions for the school assessments, assessment for schoolhouses, and for all arrears of the said assessments and monthly fees, and such suits or prosecutions may be instituted before the county court or before two justices of the peace of the county, and the justices may after judgment cause the amount of the judgment together with the costs thereof to be levied under warrant, by the seizure and sale of the goods and chattels of the defendant, such seizure and sale to be effected by the secretary-treasurer, who shall for that purpose have and execute the power of sheriff, and who shall be entitled for such services to the same fees as the said officer.

M. S. A. sec. 62, as amended by 47 Vic., Cap. 37, sec. 19. **64.** In all such suits or prosecutions judgment may be rendered with costs, and no judgment rendered on any such suits or prosecutions shall be liable to be appealed from, nor shall any such suit or prosecution be removed by writ of *Certiorari*.

M. S. A. sec. 63. **65.** No member of any board of school trustees shall engage in any suit at law as such trustee, as plaintiff without a special authorization from the trustees, duly entered in the minutes, after deliberation; and every such action may be brought either by the chairman or by the secretary-treasurer, in the name of the corporation, as the board may see fit.

M. S. A. sec. 64. **66.** All persons entrusted in any manner with the carrying of this Act into effect, or qualified to vote at the election of school trustees, shall be competent to institute proceedings under this Act, except in cases where it is specially provided to the contrary.

SECRETARY-TREASURER.

APPOINTMENT—DUTIES.

67. The trustees shall appoint as secretary-treasurer one of their own number, or some other competent person, and the duties of such secretary-treasurer shall include : M. S. A. sec. 55.

(*a.*) The correct and safe-keeping and producing (when called for) of the papers and moneys belonging to the corporation ;

(*b.*) The correct keeping of a record of all their proceedings in a book procured for that purpose ; and

(*c.*) The collecting, receiving and accounting for, of all school moneys whether from the Government or otherwise, for the purpose of public school education within his district and the distributing of such moneys in the manner directed by the majority of the trustees.

NOTE.—No school trustee can legally enter into a contract as secretary-treasurer with the board of which he is a member, unless he be appointed by the two other members of the corporation. See M. S. A. sec. 41, as amended by 47 Vic., cap. 37, sec. 14, page 18.

SECURITY FOR MONEYS HELD.

68. Every secretary-treasurer shall, before entering upon his duties, as such, give security to the school trustees, by a bond signed and acknowledged before a justice of the peace, and such security shall be given by at least two solvent securities jointly and severally, to the satisfaction of the board of school trustees, and for the total amount of the moneys for which the secretary-treasurer may, at any time, be responsible whether arising from the local school fund or from any particular contribution or donation paid into his hands for the support of schools, and such security shall be renewed or changed whenever its renewal or change is required by the school trustees. M. S. A. sec. 56, as amended by 47 Vic., Cap. 37, sec. 18.

(*a.*) In school districts, in which the secretary-treasurer has not given such security, the trustees shall be personally liable and responsible for any loss that may be caused through his default, except in case of such as, within three months from the date of their election as trustees or his appointment as secretary-treasurer, enter a written protest against the refusal of the majority to exact such security.

Form of Bond to be given by Secretary-Treasurer.

KNOW ALL MEN BY THESE PRESENTS,

That A.B., secretary-treasurer of the school district, C D , of and E.F., of are held and firmly bound unto the trustees of the school district, in the county of , or to their successors, in the penal sum of dollars, to be well and truly paid to the said trustees or their successors, for which payment we bind ourselves and each of us respectively binds himself and his respective heirs, executors and administrators, firmly by these presents.

Sealed with our respective seals and

Dated this day of 18

The condition of the above written Bond or Obligation is such that if the above bounden his heirs, executors, or administrators, do and shall well and truly account for and remit all moneys coming into his hands to the Corporation of the School Trustees of the school district the just and full sum of of lawful money of Canada with interest thereon at the rate of per cent. per annum, on the day and times and in the manner following, that is to say, without any deduction, defalcation, or abatement whatsoever. then the said bond, or obligation to be void, otherwise to be, and to remain, in full force and virtue.

Signed, sealed, etc., etc.

AUDITORS.

M. S. A. sec. 74, as amended by 47 Vic., Cap. 37, sec. 21.

69. At every annual meeting of any school district, there shall be appointed by the ratepayers, two auditors or persons to examine the accounts of the secretary-treasurer of the school trustees and report thereon at the next annual meeting, and who shall certify to the correctness or otherwise of such accounts.

(*a.*) It shall be the duty of the secretary-treasurer to submit his books and vouchers to such auditors when called upon by them so to do, and their report shall be presented to the annual meeting next after their appointment.

ANNUAL FINANCIAL REPORT.

M. S. A. sec. 58.

70. Every secretary-treasurer shall prepare and submit to the board of school trustees annually, previous to the general meeting of the ratepayers, a detailed statement of receipts and expenditures of the school district for the current school year then expiring, and such statement after being approved by the school trustees shall be by them submitted at the annual meeting of the school district, and the secretary-treasurer shall, on the payment to him of the sum of one dollar, furnish to any ratepayer a copy of such statement.

REMUNERATION OF SECRETARY-TREASURER.

71. The remuneration of the secretary-treasurer may, in the discretion of the school trustees, be fixed at any amount not exceeding eight per cent. on the moneys received by him in such capacity, but such remuneration shall include every service which the trustees may require from time to time from the secretary-treasurer, and shall cover all contingent expenses whatever, except such as may be specially authorized by rules and regulations of the respective section of the board of education, and shall not in any case exceed the sum of one hundred dollars. M. S. A. sec. 59.

NEGLECT.—PENALTY.

72. Any trustee or secretary-treasurer neglecting or refusing to discharge any duty assigned to him or them by this Act, shall be liable to a penalty of ten dollars for each offence, and said penalties may be recovered within three months of the time when such offence was committed. M. S. A. sec. 107, as amended by 47 Vic., Cap. 37, sec. 26.

RETAINING SCHOOL PROPERTY.—PENALTY.

73. Whenever any school trustee, or secretary-treasurer, after his dismissal, resignation, or ceasing to hold office, detains any money, book, paper or property belonging to the school trustees of any school, he shall thereby incur a penalty of not less than five dollars, nor more than twenty dollars, for each day during which he shall retain possession of any such money, book, paper or property after having received a notice from his superintendent of education requiring him to deposit the same in the hands of some person mentioned in such notice. M. S. A. sec. 108

TAXATION.

SCHOOL DISTRICTS LYING WHOLLY WITHIN A MUNICIPALITY.

74. For the purpose of supplementing the legislative grant it shall be the duty of the boards of trustees of all school districts, (not situate within a city or town) the whole territory of which is comprised within the limits of a single municipality, to prepare and lay before the municipal council an estimate of such sums, exclusive of such legislative grant, as may be required for school purposes during the current school year. M. S. A. sec. 25, as amended by 47 Vic., Cap. 37, sec. 8.

Amend

NOTE.—To guard against the collection of taxes for other than legitimate school purposes for the current year, it would be advisable for councils or the reeves and inspector (*as the case may be*), to require that trustees' estimates shall include a statement in detail of the amounts needed and the purposes for which they are to be expended; and all disputes regarding such estimates shall be referred to the Superintendent

Estimates should not be presented by a school district in which no school has been or is to be in operation during the current year, except for the purpose of meeting indebtedness becoming due during that period.

(*a.*) These estimates shall be laid before the council on or before the first day of August in each year; and thereupon the said council, employing their own lawful authority, shall levy and collect three-fourths of the sum required for each school district within the municipality, but not exceedtng in the case of any one district, the sum of four hundred dollars, by assessment upon the Roman Catholic or Protestant real and personal property within the municipality (*as the case may be*); the council shall collect the remaining one-fourth of the estimated sum required and such portion of the three-fourths of the said sum as may have been in excess of four hundred dollars, by assessment upon the real and personal property within the school district, any portion of which is situated not over three miles in a direct line from the school house, unless the ordinary residence of the occupant thereof is beyond the said three miles limit or a distance of four miles or over by the public road, and in case of dispute as to such distance the decision of the Superintendent shall be final; and the council of each municipality shall pay over to the trustees of each district the amount of their estimate, whether fully collected or not, in two equal payments, the first on the fifteenth day of October and the second on the fifteenth day of January following the receipt of such estimate by them.

(*b.*) It shall be the duty of each board of school trustees to make out a list of the persons liable to be assessed for the balance of their school estimates as hereinbefore provided, with the assessment of each such person copied from the assessment roll placed opposite his name also the amount of school taxes to be collected from him and to hand such list to the clerk of the municipality on or before the first day of August in each year.

Form for School Trustees' estimate.

To the Council of the Municipality of .....

Gentlemen:—As required by "The Manitoba School Act, 1884," I am directed by the trustees of the ..... School District to inform you that their estimate of the amount required by them for school purposes for the current year is ..... dollars,* three-fourths of which (not exceeding $400), amounting to ..... dollars, is to be collected from the Protestant (or Catholic) ratepayers of the municipality, and the balance from those within the school district, (*as the case may be*) as given on the list furnished herewith.

I am, Gentlemen, your obedient servant,

.....
Sec'y-Treasurer.

..... 188 .

* See Note, page 29.

Lands to be included in this list.

(To be filled up by the Trustees and handed in by August 1st.)

1. All in the school district (resident or non-resident) *wholly* included within the three miles limit.
2. All non-resident lands *partially* included within the same limit.
3. Resident lands partially included within the same limit, upon which the occupant's residence is situated within the said limit and less than four miles from the school house by the public road.

COPIED FROM ASSESSMENT ROLL OF THE MUNICIPALITY.*		Tax to be collected.
NAMES.	Total Assessment subject to taxation.	

* Trustees have the right of access to the assessment roll of the municipality. See M. S. A , sec 47, page 26.

SCHOOL DISTRICTS INCLUDING PORTIONS OF MORE THAN ONE MUNICIPALITY.

75. In case the territory embraced in any school district extends within the limits of two or more municipalities or of a municipality and a city or town corporation, the board of trustees of such school district shall obtain from the clerk of each municipality concerned, a copy of the assessment roll relating to such school district, and inasmuch as the basis of valuation in each municipality may be different, the trustees shall forward the said copies to the local inspector, whose duty it shall be forthwith to call a meeting of the reeves or mayors of the municipalities concerned at such time and place as he may fix, at which meeting said inspector shall be the chairman, and shall in addition to his own vote, have a casting vote in case of a tie. At such meeting the said inspector and the reeves or mayors who attend (or, if none of the reeves or mayors attend, then the said inspector alone) shall determine the proportion of the trustees' estimate to be borne by the said municipalities respectively.

M. S. A. sec. 26, as amended by 47 Vic., Cap. 27, seq. 9.

Form of notice to be sent by the trustees of a union School District to the Reeves and Inspector by the 10th of July.

To the Inspector (or Reeve) of the Municipality of.....

SIR :—The amount of the estimates of the trustees of the..... ....school district for the current year is $ .....† of which $..... .....is to be collected by rate upon the municipalities of..... ....and..... ....and the balance, $..... by a rate upon the portions of the school district within the said municipalities.

In order that the portion of each of the above sums to be collected by each municipality may be alloted as required by law, I am directed by the trustees to send you herewith the assessment list of the school district as copied from the roll of each municipality. *

I am, Sir, your obedient servant,

....
Sec'y-Treasurer.

* See M. S. A., sec. 47, page 26.
† See Note, page 29.

NAME.	Acres assessed.	ASSESSED VALUE.		Total.
		Real.	Personal.	

M. S. A. sec. 26, as amended by 47 Vic., Cap. 37, sec. 9, sub-s. (*a*).

(*a.*) The trustees shall also make out their estimate of the sums, exclusive of the legislative grant, required for school purposes for the current school year, and shall allot to each municipality for collection, such proportion thereof as may have been determined by the said inspector and reeves or mayors, or by said inspector alone as aforesaid, and shall lay such estimated sums required before each council concerned, on or before the first day of August of the year then current : whereupon, the council of each municipality concerned, employing their own lawful authority, shall levy and collect three-fourths of the sum required in the allotment made to them by the trustees as above mentioned, the total sum thus collected not to exceed four hundred dollars, by assessment on the whole Roman Catholic or Protestant real and personal property within the municipality, (*as the case may be*) ; the said councils shall collect one-fourth of the estimated sums required and such portion of the three-fourths thereof as may be in excess of four hundred dollars, by assessment upon the real and personal property of the school

district within their own municipality, any portion of which is situated not over three miles in a direct line from the school house, unless the ordinary residence of the occupant thereof is situated beyond the said three miles limit or a distance of four miles or over by the public road, and in case of dispute as to such distance the decision of the Superintendent shall be final; and the council of each municipality shall pay over to the trustees of such district, the amount of their estimates whether fully collected or not, in two equal payments, the first on the fifteenth day of October and the second on the fifteenth day of January following the receipt of such estimates by them.

(*b.*) It shall be the duty of each board of school trustees to make out lists of the persons liable to be assessed for taxes for the one-fourth of their school estimates, as hereinbefore provided, with the assessment of each such person placed opposite his name, according to the equalized assessment hereinbefore mentioned, and also the amount of tax to be collected from him and shall hand over such lists to the clerks of the municipalities concerned on or before the first day of August in each year.

Form for School Trustees' estimates.

(*Union School District*)

To the Council of the Municipality of.....

Gentlemen: As required by "The Manitoba School Amendments Act, 1884," I am directed by the Trustees of the ..... School District to inform you that their estimate of the amount required by them for school purposes for the current year is..... dollars.

The portion of the above estimate allotted to your municipality for collection by the reeves and inspector is ..... dollars from the Protestant (or Catholic) ratepayers of the whole municipality (*as the case may be*) and..... dollars from the portion of the school district included within the same, as given in the list furnished herewith.

I am, Gentlemen, your obedient servant,

.....

Sec'y-Treasurer.

..... 188

Lands to be included in this list.

(To be filled up by the Trustees and handed in by August 1st.)

1. All in that part of the district within this municipality (resident and non-resident) *wholly* included within the three miles limit.
2. All non-resident lands *partially* included within the same limit.
3. Resident lands partially included within the same limit, upon which the occupant's residence is situated within the said limit and less than four miles from the school house by the public road.

COPIED FROM ASSESSMENT ROLL OF THE MUNICIPALITY.**		Tax to be Collected.
NAMES.	Total assessment subject to taxation.	

** See M. S. A., sec. 47, page 26.

ARREARS OF SCHOOL TAXES.

(*c.*) For the purpose of collecting the arrears of school taxes it shall be the duty of each board of school trustees to make out a list of the persons liable for such arrears, with the amount for which each such person is liable placed opposite his name and to hand the same to the clerk of the municipality before the first day of August; whereupon it shall be the duty of the council of the said municipality to collect such arrears, and return the same to the trustees on or before the fifteenth day of January following.

TAXES TO BE A LIEN UPON PROPERTY.

M. S. A. sec. 27, as amended by 47 Vic., Cap. 37, sec. 10.

71. The school assessment shall be paid equally according to valuation, upon rateable real and personal property in the school district, and shall be payable by and recoverable from the owner, occupier or possessor of the property liable to be rated, and shall, if not paid, be a special mortgage, and not requiring registration to preserve it, on all real estate, and a special charge and lien upon personal property, live stock and farming implements to the value of five hundred dollars belonging to *bonâ fide* owners of real estate of at least forty acres.

EXEMPTIONS FROM TAXATION.

72. The following real and personal property shall be exempt from taxation under this Act: M. S. A. sec. 29.

(1.) Real estate held in trust for Her Majesty, or for the public uses of the Province;

(2.) Real estate vested in, or held in trust for the municipality, and used for municipal purposes;

(3.) Real estate held in trust for any tribe or body of Indians;

(4.) Every place of public worship, church-yards, burying grounds, educational or charitable institutions, public roadway, square, gaol, hospital, agricultural and horticultural societies, with the land requisite for the due enjoyment thereof;

(5.) Lands allotted by the Dominion Lands Act to Half-breed children of heads of families under the age of eighteen years, not disposed of by them.

PROTESTANT AND CATHOLIC SCHOOL TAXES.

73. The ratepayers of a school district, including religious, benevolent, or educational corporations, shall pay their respective assessments to the schools of their respective denominations; and in no case shall a Protestant ratepayer be obliged to pay for a Catholic school, or a Catholic ratepayer for a Protestant school. M. S. A. sec. 30

74. When property owned by a Protestant is occupied by a Roman Catholic and *vice versa*, the tenant in such cases shall only be assessed for the amount of property he owns, whether real or personal, but the school taxes on said rented or leased property shall, in all cases, and whether or not the same has been, or is stipulated in any deed, contract or lease whatever, be paid to the trustees of the section to which belongs the owner of the property so leased or rented, and to no other, subject to the exemptions aforesaid. M. S. A. sec. 31.

75. Whenever property is held jointly as tenants or as tenants in common, by two or more persons, the holders of such property being Protestants and Roman Catholics, they shall be assessed and held accountable to the two boards of school trustees for the amount of taxes, M. S. A. sec. 32.

in proportion to their interest in the business, tenancy, or partnership, respectively, and such taxes shall be paid to the school of the denomination to which they respectively belong.

SCHOOL TAXES FROM CORPORATIONS, ETC.

M. S. A. sec. 28, as amended by 47 Vic., Cap. 37, sec. 11.

76. The corporations situated in a locality where different school districts are established and persons who are neither Protestants nor Catholics, shall be assessed only for the school district of the majority; yet out of such assessment, the council of the local municipality, city or town, shall give to the school district of the minority, a part of such assessment, in proportion to the number of children of school age, and the majority shall be determined by the number of Protestant or Catholic children of school age, as the case may be, according to the census.

SCHOOL DISTRICTS IN UNORGANIZED MUNICIPALITIES.

M. S. A. sec. 25, sub-sec. (a) as amended by 47 Vic., Cap. 37, sec. 8, and 47 Vic., Cap. 54, sec. 5.

77. In portions of the Province not organized into municipalities each section of the board of education shall have authority to form and alter school districts under its authority and the trustees of such school districts are hereby empowered to assess the same and to levy and collect taxes therein for the support of their schools.

ASSESSORS.

M. S. A. sec. 70.

78. The school trustees may within twenty days after the annual school meeting, appoint one or more assessors from the resident ratepayers, provided the district is not included within a municipality, or the municipal council refuses or neglects to do so, and such remuneration shall be paid to such assessor as the board shall see fit.

M. S. A. sec. 71.

79. Before entering upon the discharge of their duties, such assessors shall be sworn, before a justice of the peace, to the faithful discharge of their duties, and they shall within two weeks after their appointment, proceed to make out an assessment roll of the rateable property of each ratepayer in the school district, and shall deliver the same into the hands of the secretary-treasurer of the school trustees within one month thereafter.

COURT OF REVISION.

80. The school trustees shall be constituted a court of revision for hearing and deciding any complaints that may be made against any assessment made under their authority, and shall sit as such at any time fixed by the trustees after eight days notice given by posters in three public places of the district, by the secretary-treasurer; and the decision of the said court of revision shall be final, when the amount to be paid shall not exceed twenty dollars; and the members of the said court of revision shall be empowered to administer oath while sitting as such; and every appeal from the decision of such court of revision shall be heard and determined finally at the next sitting of the county court, within the jurisdiction of which the school district is situated. M. S. A. sec. 68.

81. When the assessment is made by the trustees, the secretary-treasurer shall receive the assessment roll from the assessors, and shall thereupon notify each person whose name appears on said roll of the amount for which he is assessed, and such assessment roll shall be open at all reasonable hours to the inspection of any ratepayer of the school district, and every such ratepayer shall be entitled to receive a copy thereof, on payment to the secretary-treasurer at the rate of five cents per name on such roll. M. S. A. sec. 57.

(*a.*) The secretary-treasurer shall notify, in accordance with schedule, each person whose name appears on the assessment roll, of the date and the place fixed by the school trustees for the sitting of the court of revision.

COLLECTION.

(*b.*) The secretary-treasurer shall, within one month after receiving the assessment roll from the assessors, lay the same before the board of trustees, and after the said board have struck the rate, he shall receive the roll from them for the purpose of collection.

BORROWING MONEY.

PROMISSORY NOTES BY TRUSTEES.

47 Vic., Cap. 37, sec. 27.

82. At any time in any one year before the estimate of a school district has been prepared by a board of school trustees or handed to the clerk of the municipality, or before the moneys have been paid over to the board by the municipality, a board of school trustees in any city, town or local municipality, may borrow moneys upon the credit of the board, and give the promissory note or notes of the board for the same or for the moneys heretofore borrowed to such an amount as is legally authorized; provided, however, that no such moneys shall be borrowed or notes given to an amount exceeding in the aggregate one half of the said estimate for the year, if such estimate have been made, nor one half of the amount of the said estimate for the next preceding year, if such estimate have not been made for the current year; and provided also that such moneys shall only be borrowed or notes given upon a by-law or by-laws of the board, which shall recite the amounts previously borrowed and the notes previously given therefor and any sums paid thereon, but any error or omission in reciting such sums or notes shall not invalidate such by-law as against a *bonâ fide* lender or payee or holder for value of any such note, not having notice of such error or omission.

(*a.*) Any such note or debt for money so borrowed may be enforced against the board of school trustees and the ratepayers liable to contribute to its revenues in the same manner as claims against or debts of municipalities may be enforced under the municipalities Act of 1884.

(*b.*) Upon the payment to the board by a municipality of any portion of the sums to be levied for the trustees by a municipality, it shall be the duty of the board of school trustees to apply one half of such sum so paid to it to the reduction of the debt or debts incurred for moneys so borrowed or upon such note or notes, or in the event of no such debt or note or not sufficient thereof to exhaust the one half of the sum so paid being then overdue, then to deposit such half, or the unexhausted portion thereof, in some chartered bank, and to apply the same to such debts or notes as they become due and payable.

Form of By-Law.

NOTE.—The original to be entered in the minute book of the Trustees and a copy attached to the promissory note.

By-Law No.

A by-law of the School Trustees of the Protestant (or Catholic) School District of in the County of for the purpose of borrowing the sum of dollars for the use of the said School District pursuant to sec. 27 of 47 Vic., Cap. 37.

Whereas it is expedient to raise by way of loan the sum of dollars required for the ordinary expenditure of the said School District.

And whereas the said School Trustees have already borrowed the sum of dollars for which they have given the promissory note of the said corporation and of which the sum of dollars now remains due and payable.

And whereas the said trustees require the sum of dollars for the current expenses of the said District and such sum does not exceed one half of the school estimates for the said School District for the current year.

Be it resolved therefore and the School Trustees for the Protestant (or Catholic) School District of in the County of duly assembled enact as follows:

1. For the purposes aforesaid the sum of dollars shall be raised by way of loan upon the credit of the said School District and that the promissory note of such corporation be issued therefor in sums of not less than dollars, nor exceeding in the whole the said sum of dollars.

2. That , Chairmain and Secretary-Treasurer of the said School District, are hereby authorized to execute the promissory notes to the amount and in the manner aforesaid and to affix thereto the seal of the said corporation (if there is one) which said notes shall be payable at (Bank) at And also to renew the same from time to time, provided that the same shall not be renewed so as that any of the said notes shall mature later than the current school year.

3. The said loan shall bear interest at the rate of per cent. per annum and shall be repaid as provided by said sec. 27, 47 Vic., Cap. 37.

Done and passed at by the said School Trustees of the Protestant (or Catholic) School District of in the County of this day of 188 .

.....
Chairman.

.....
Secretary-Treasurer.

I certify that the foregoing is a true copy of a by-law passed at a meeting duly convened of the trustees of the School District in the County of on the day of 188 .

....
Secretary-Treasurer.

SCHOOL DEBENTURES.

PURPOSES FOR WHICH DEBENTURES MAY BE ISSUED, ETC.

83. If the ratepayers of any school district at a public meeting duly called require the trustees to borrow any sum of money for the purchase of school sites or erection of school houses and their appendages, or for the purchase or erection of a teacher's residence, or for the purpose of

M. S. A. sec. 104, as amended by 46 and 47 Vic., Cap. 46, sections 17, 18, 20, 21, 22, 26 and 27 and by 47 Vic., Cap. 37, sections 24

and 25, and by 47 Vic., Cap. 54, sec. 4.

paying off any debt, charge or lien against such school house, or residence, or against the trustees of any school district incurred by them as such trustees for any of the purposes aforesaid, the said trustees shall forward to the Lieutenant-Governor in council a certified copy of the minutes of such meeting, and the Lieutenant-Governor in council may thereupon sanction such loans, and such sanction shall bind the ratepayers of the said school district to cause to be levied a sum sufficient for the payment of principal and interest on any such loan at the times when the same shall become payable, as provided between the trustees and the lender.

TWO WEEKS NOTICE OF MEETING.

M. S. A. sec. 104, sub-sec. (c).

84. Notice of such meeting shall be duly given by posting up on the door of the school house (if any), and in two or more conspicuous places within the school district, for which such loan is sought to be obtained, at least two weeks previous to such meeting, a notice in the form or to the effect of that set forth in Schedule A of this Act.

M. S. A. sec. 104. sub-sec. (d).

85. A majority of the ratepayers of any such school district present at such meeting shall be sufficient to authorize such loan, and the assent of the Lieutenant-Governor shall be obtained before such loan is completed.

FORM OF PUBLIC NOTICE.

M. S. A. sec. 104, Schedule A.

Notice is hereby given that a meeting of the ratepayers within the school district will be held at the in the said school district, on day, the of day A.D., 18 , at the hour of o'clock in the noon, for the purpose of considering the expediency of raising money by way of loan to (*here state the purpose for which the loan is intended.*)

Dated this day of A.D. 18 } Secretary-Treasurer.

I, A. B., Secretary-Treasurer of the school district, do solemnly declare that three or more copies of the above notice were posted up within the said district for a period of at least two weeks as required by the Manitoba School Act.

.....
Secretary-Treasurer.

.....School District.

Declared before me this day of 188 .
.....
J.P.

86. The minutes of any meeting of the ratepayers of a school district called to consider the propriety of borrowing money, as mentioned in said section one hundred and four, shall be headed with a statement in the following form, or to the same effect: 46 and 47 Vic., Cap. 46, sec. 17, as amended by 47 Vic., Cap. 54, sec. 4.

(*a.*) The said minutes shall also contain a list of the names of the ratepayers who voted at the said meeting upon the question of raising or borrowing money, distinguishing those who are freeholders from those who are not, and recording the vote given by each person for or against the said question.

" Minutes of a public meeting of the ratepayers of the school district in the municipality (or county) of held the day of 18 , in the pursuance of a notice given as required by 'The Manitoba School Act,' and called for the purpose of considering (and advising the trustees of said school section in respect to) the question of raising or borrowing a sum of money for the purpose of (here state the purpose for which the loan is intended as in the published or posted notice.)

" The said meeting having been organized by the appointment of Mr. A. B. as chairman and Mr. C. D. as secretary the following proceedings were had :

" It was moved by Mr. &c." (the motions and formal proceedings of the meeting to be then given, certified at the foot thereof to be correct and signed by the chairman and secretary.)"

The names of the ratepayers present who voted in favor of the motion are as follows :

Freeholders :—

Householders or Occupants :—

The names of those who voted against the motion are as follows :

Freeholders :—

Householders or Occupants :—

The number of freeholders whose names are entered upon the assessment list of the school district, is .

.....

Chairman. .....

Secretary.

I, A. B., chairman (or secretary) of a meeting of the ratepayers of the school district, held on the day of 188 , do hereby solemnly declare that the above minutes are a correct record of the proceedings of the said meeting.

.....

Chairman (or Secretary.)

Declared before me this day of 188 .

.....

J. P.

MINUTES TO BE SENT TO SUPERINTENDENT

46 and 47 Vic., Cap. 46, sec. 18.

87. A copy of said minutes shall be given to the secretary-treasurer of the board of trustees of the district for the information of said board, and the original, with a declaration endorsed thereon or attached thereto, taken before a justice of the peace or other person authorized to take declarations under the statute, with a copy of the notice calling such meeting, proving the posting of the said notice as required by the Act, shall be given or transmitted to the superintendent of the section of the board of education having the supervision of such school district; and it shall be the duty of such superintendent, with as little delay as possible after the receipt of such minutes and proof, to enquire and satisfy himself that the purpose for which the loan is required is a proper and necessary one, and having regard to the means of the ratepayers of such school district to repay the same; and if such superintendent approves of such loan he shall transmit said minutes, proof and other documents connected therewith to the provincial secretary, together with a certificate or note of his approval endorsed thereon over his signature.

STATEMENT TO BE SENT TO SUPERINTENDENT.

46 and 47 Vic., Cap. 46, sec. 19.

88. It shall be the duty of the secretary-treasurer of the board of school trustees of any school district upon being made aware that a loan, as aforesaid, had been sanctioned by the ratepayers, to at once transmit to the proper superintendent of education, as aforesaid, a statement, duly certified under the hand of said secretary-treasurer and the seal of the said board of trustees, to be correct, showing the amount of the assessed value of the real and personal estate of such school district; its debenture indebtedness, including the amount proposed to be added under such by-law then being submitted for approval; its indebtedness other than under said debentures; the yearly rate in the dollar required to pay said debenture debt; the total rate required for all purposes and the interest past due, if any, on the indebtedness of said school district.

STATEMENT as required by section 19 of 46 and 47 Vic., Cap. 46, of the assets and liabilities of school district, county of

Assessed value of real and personal property.		Debenture indebtedness including the issue now proposed to be added.	Indebtedness other than debenture indebtedness.	Yearly rate on the dollar required to pay debenture debt.	Yearly rate on the dollar required for all purposes.	Interest past due on indebtedness of school district.
Real.	Personal.					

I hereby certify the above statement to be correct.

....
Secretary-Treasurer

.....School District

Dated this day of 188 .

89. A statement embodying the information mentioned in the last preceding section as to the assets and liabilities of the school section, shall be written or printed on the back of each debenture issued under the authority of the Act; and following such statement shall also be written or printed the words: "Issued under the provisions of the 'Manitoba School Act,' 44 Vic., Cap. 4, (3rd sess.) and amending Act." 46 and 47 Vic., Cap. 46, sec. 20.

90. The Lieutenant-Governor in council, when the question of any school loan shall be before him for assent thereto, may take into consideration the effect of the proposed loan upon the security of any previous loan, in case the new proposed loan shall be repayable before a former one, or former ones, and may withold such assent to such new loan, if he considers that the security of the holders of any existing debenture loan of such school district was likely to be rendered insufficient, by reason of the date of payment of the proposed new loan being prior to that of any then existing debenture debt of such district. 46 and 47 Vic., Cap. 46, sec. 22.

NOTE.—Upon receiving notice of the consent of the Lieutenant-Governor in Council to the proposed loan, the secretary-treasurer shall convene a meeting of the trustees by giving each person notice. The proceedings at such meeting may be in the following manner, a copy of which shall be sent to the superintendent, with the debentures, filled up, and the notice of the Order in Council.

The Superintendent, upon being satisfied that suitable provision has been made for the repaymenf of the loan within a reasonable period, shall present the debentures to the Provincial Secretary for endorsement.

Form of By-Law.

Copy of the minutes of a meeting of the school trustees for the Protestant (or Catholic) school district of , in the County of , in the Province of Manitoba, held at in the said school district on the day of 188 .

Present

In the chair.

and

Trustees.

Resolved, that whereas the ratepayers have requested the said trustees to raise a loan for the sum of. dollars, for the purpose of building and furnishing a school house or purchasing school grounds, (*as the case may be*) and the said loan has been sanctioned by an order in council.

Moved by , seconded by , that the following by-law be introduced and read a first, second and third time and duly passed.

BY-LAW No.....

A by-law of the school trustees of the Protestant (or Catholic) school district of , in the County of , in the Province of Manitoba, for the purpose issuing debentures for the sum of dollars.

Whereas it is necessary and expedient to raise by loan the sum of dollars, on the credit of the said school district for the purpose of building and furnishing a school house and purchasing school grounds (*as the case may be.*)

And whereas the ratepayers of the said school district at a school meeting duly convened and held on the day of '88 , authorized and required by a resolution duly passed, the said school trustees to borrow the sum of dollars, for the purposes aforesaid.

And whereas by an order in council made on the day of 188 , the Lieutenant-Governor in council did sanction such loan, therefore the school trustees of the Protestant (or Catholic) school district of , in the County of duly assembled, enact as follows :

For the purposes aforesaid, it shall be lawful for the said school trustees to borrow the sum of dollars, by the issue and sale of debentures of the said school trustees for the sum of dollars, of lawful money of Canada. There shall be debentures, each for the sum of dollars, making in the aggregate the sum of dollars and bearing date day of 188 ; and the debentures shall be made payable to the bearer at at the City of in the Province of Manitoba, as follows :

Debenture No. 1, for $	payable	18 .
Debenture No. 2, for $	payable	18
Etc.,	etc.,	etc.

Each debenture shall be signed by the secretary-treasurer and countersigned by one of the trustees of the said school district.

The said debentures shall bear interest at the rate of per cent. per annum from the date thereof payable semi-annually on the of and the of in each year, on the presentation of the interest coupons attached thereto at the said bank. Each coupon shall be signed by the said secretary-treasurer.

The said school trustees shall make provision out of the annual school taxes for the payment of the said interest and for the creation of a sinking fund for the redemption of the said debentures and such provision shall form part and be included in their annual statements of the moneys required by them for school purposes.

Done and passed by the said school trustees of the Protestant (or Catholic) school district of in the county of assembled at in the municipality of in the Province of Manitoba, this day of and signed by

.....
Chairman.

.....
Secretary-treasurer.

I hereby certify that the above is a true copy of the minutes of a meeting duly convened of the trustees for the Protestant (or Catholic) school district of in the County of held at on the day of 188 .

.....
Secretary-Treasurer.

..... school district.

Municipality of.....

91. Upon the assent of the Lieutenant-Governor being obtained to such loan, and upon presentation within six months thereafter to the provincial secretary or acting provincial secretary of the debenture or debentures issued to raise the same, the said provincial secretary or acting provincial secretary, (unless such assent has in the meantime been withdrawn) shall sign such debenture or debentures under the statement or endorsement thereon hereinbefore mentioned, and shall affix the seal of his office or of the Province thereto, and such signature and seal shall be conclusive evidence that all the formalities in respect to said loan and the issue of such debenture have been complied with, and of the correctness of the statement or endorsement thereof and the legality of the issue of such debenture shall be thereby conclusively established, and its validity shall not be questionable by any Court in this Province, but the same shall to the extent of the assets of the school district issuing the same, be a good and indefeasible security in the hands of any *bona fide* holder thereof. 46 and 47 Vic., Cap. 46, sec. 21, as amended by 47 Vic., Cap. 37, sec. 24.

92. The assent of the Lieutenant-Governor to any such loan shall be conclusive evidence of all the necessary formalities having been complied with, and that such loan is one which such school district may lawfully make. M. S. A. s. 104, sub-sec. (*e*).

93. No loan shall be made for any term exceeding twenty years. M. S. A. s. 104, sub-sec. (*a*).

94. The principal on such loan may be made payable by annual instalments. M. S. A. s. 104, sub-sec. (*b*).

M. S. A., s. 104, sub-sec. (g), as amended by 47 Vic., Cap. 37, sec. 25.

95. All debentures issued or to be issued, under the authority of this Act and the coupons attached thereto shall create and be a charge and lien upon all school property then or thereafter acquired by or granted or given to the school district which shall issue the said debentures, as well as upon all the property assessable in such school district for school purposes for the said district (Roman Catholic or Protestant, as the case may be) and the amounts from time to time falling due upon such debentures and coupons (subject to any provisions for the establishment of sinking funds for the repayment of any such debentures) shall be included in the amount required from time to time for school purposes for the said district, and shall be collected and received by and paid to the trustees of the said school district in the manner directed for the raising of moneys for school purposes.

M. S. A., s. 104, sub-sec. (f).

96. Any school district having obtained the assent of the Lieutenant-Governor to a loan may issue debentures therefor in the form set forth in Schedule B of this Act to secure the amount of the principal and interest upon such loan upon such terms as such loan can be obtained and the said debentures shall be sufficient when signed by the secretary-treasurer and countersigned by one or more trustees, to bind the said trustees and to create a charge or lien against all school property in the school district for which such loan is made.

FORM OF DEBENTURE.

M. S. A., s. 104, Schedule B, as amended by 46 and 47 Vic., Cap. 46, sec. 26.

97. Debentures of the school trustees for the school district of , in the county of , in the Province of Manitoba.

The school trustees for the school district of , in the county of , promise to pay to bearer at the , at the sum of dollars of lawful money of Canada years from the date hereof and to pay interest thereon semi-annually on the days of , and in each year during the currency hereof at the same place at the rate of per centum per annum to the bearer of the coupons hereunto annexed respectively, and numbered with the number of this debenture.

Issued at this day of 18 by and under the authority of subsection F of section 104 of an Act of the Legislature of Manitoba passed in the 44th year of Her Majesty's reign, chaptered 4, and any amending Act.

S. M., Trustee.

T. R., Secretary-Treasurer.

COUPON NO.

The school trustees for the - school district of in the county of will pay the bearer hereof at the at on the day of 18 the sum of dollars, being interest due on that day on school debenture, No.

T. R.,
Secretary-Treasurer.

98. The provisions of Cap. 24 of 44 Vic., respecting registration of debentures, shall not apply to any debenture certified to by the provincial secretary under the provisions of this Act, nor to any by-law or resolution respecting the issue of such debentures. 46 and 47 Vic., Cap. 46, sec. 27.

RULES *in reference to the issue of school debentures, adopted by Order in Council, on September 1st*, 1884.

1st. The calling of a meeting of ratepayers in accordance with section 104 of the Manitoba School Act.

2nd. The notice having been given of the time and place of the meeting of ratepayers in accordance with the provisions of the Act, the ratepayers will meet, select a chairman and some person to act as secretary of the meeting. The question being submitted, a vote should be taken upon it, and in taking the vote, the names of those voting for and against the question should be entered in the minutes, distinguishing the ratepayers who are freeholders and those who are tenants and occupants.

3rd. A copy of this resolution should be sent to the secretary-treasurer of the school district, and the original minutes with a copy of the notice calling the meeting, verified by statutory declaration, to the proper superintendent.

4th. As soon as the secretary-treasurer of the school district receives the copy of the resolution of the ratepayers, authorizing the loan, he should forward to the proper Superintendent, a certificate under section 19 of the School Law Amendment Act, 1883, stating the assets, liabilities, etc., required by that section; and it is proper to distinguish, in the assets, the personal property from the real estate within the district.

5th. Upon the receipt of the papers from the secretary of the ratepayers, and the secretary of the school district, the Superintendent will examine into the circumstances; and, if he deem it advisable, shall approve of the making of the loan, and forward all the papers, signifying his approval, to the department of the Provincial Secretary.

6th. Upon the receipt of the notification of the assent of the Lieutenant-Governor in Council to the loan, a meeting of the trustees should be called, and resolution or by-law passed, authorizing the making of the loan and the issue of debentures, signed by the secretary-treasurer and countersigned by a trustee.

7th. In order to obtain the endorsement of the Provincial Secretary, the secretary-treasurer of the school district should enclose the notification, with a copy of the resolution of the trustees, certified to be a correct extract from the minutes of the meeting of the trustees, to the Superintendent, in order that they can be forwarded by him with the debentures properly signed by the secretary-treasurer and a trustee and filled up, coupons properly filled up and signed by the secretary-treasurer, and the endorsement as required by section 20 of the Manitoba School Act of 1883, upon the back of the debentures signed by the secretary-treasurer and countersigned by the trustee with a further endorsement written underneath to be signed by the Provincial Secretary, to the department of the Provincial Secretary within six months from the date of the assent of the Lieutenant-Governor to the making of the loan

ARBITRATION.

BETWEEN TRUSTEES AND TEACHERS.

M. S. A. sec. 93. In case of any difference between school trustees and teacher in regard to his salary or the sum due him or claimed to be due, or any other matter connected with his duty, the same shall be submitted to arbitration, in which case each party shall choose an arbitrator.

M. S. A. sec. 94. In case either party in the first instance neglects or refuses to appoint an arbitrator on his behalf, the party requiring the arbitration may, by notice in writing to be served upon the party so neglecting or refusing, require the last named, within three days exclusive of the day of service of such notice, to appoint an arbitrator on his behalf and such notice shall name the arbitrator of the party requiring the arbitration; and in case the party served with such notice does not, within the three days mentioned therein, name and appoint an arbitrator, then the party requiring the arbitration may appoint the second arbitrator.

M. S. A. sec. 95. The superintendent or a member of the sectional board to be nominated by such superintendent, shall be the third arbitrator.

M. S. A. sec. 96. The arbitrators may require the attendance of any or all the parties interested in the reference, and of their witnesses, and may direct them or any of them to produce all documents, books, papers or writings bearing on the matter in question, and the arbitrators may take evidence on oath.

M. S. A. sec. 97. The said arbitrators or any two of them may issue their warrant, to any person named therein, to enforce the collection of any moneys by them awarded to be paid, and the person named in such warrant shall have

the same power and authority to enforce the collection of the moneys mentioned in the said warrant with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has issued, as any bailiff of the county court has in enforcing a judgment and execution issued out of such court.

ARBITRATION BETWEEN BOARDS OF TRUSTEES.

In case of any dispute or difference arising between any two boards of school trustees in regard to any sum of money due or claimed to be due under any Act of the Province of Manitoba, the same shall be referred to arbitration in the manner hereinbefore provided; and, provided always, that in differences between any two boards of school trustees, the third arbitrator shall be chosen by the other two and the decision of such three arbitrators shall be final. M. S. A. sec. 98.

NOTE.—Arbitration between school districts after readjustment: See page 13.

TEACHERS.

DUTIES.

It shall be the duty of every teacher employed by any board of school trustees under either of the sections of the board of education : M. S. A. sec. 75.

(*a.*) To teach diligently and faithfully all the branches required to be taught in the schools according to the terms of his engagement with the school trustees, and in accordance with the provisions of the school laws of Manitoba, or any by-laws and regulations issued under the same ;

(*b.*) To keep in the the prescribed form the register of the school ;

(*c.*) To maintain proper order and discipline in his school ;

(*d.*) To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present such book to every visitor, and request him to make therein any remarks suggested by his visit ;

(*e.*) To give the trustees and visitors access at all times, when desired by them, to the registers and visitors' book appertaining to the school ;

(*f.*) To deliver up any school registers, visitors' book, schoolhouse key, or other school property in his possession, on the demand or order of the board of school trustees employing him ;

(*g.*) To have at the end of every half year at least, a public examination of his school, of which he shall give due public notice ;

(*h.*) To furnish to his superintendent, or to the inspector of such schools concerned, any information which it may be in his power to give, respecting anything connected with the working of his school, or in anywise affecting his interests or character.

REPORT OF SCHOOL ATTENDANCE.

M. S. A. sec. 82. The teacher of each school in this Province, receiving public aid shall within ten days after the close of each semi-annual school term, transmit to his superintendent a correct statement of the names of the children attending such school, with their respective ages, and distinguishing between the sexes, together with the average attendance during the preceding school term, and a statement of the number of months during which the school has been kept open, with such additional information as the superintendent may from time to time require.

AGREEMENTS.

M. S. A. sec. 76. All agreements between trustees and teachers, to be valid and binding, shall be in writing and signed by the teacher and the chairman of the board of school trustees employing him, and sealed with the corporate seal, if any, of the trustees.

Form of Agreement Between Trustees and Teachers.

We, the undersigned Trustees of School District, in the County of , have chosen who holds a class certificate of qualification, to be a Teacher in the said School; and we do hereby contract with and employ such teacher at the rate of per annum, (or, as the case may be) from and after the date hereof, and we do further bind

and oblige ourselves and our successors in office, faithfully to pay the said Teacher, during the countinuance of this agreement, the sum for which we hereby become bound ; the sums due to be paid to the said Teacher

And the said Teacher hereby contracts with the Trustees hereinafter named, and binds himself to teach and conduct the School in the said School District, according to the School Laws and regulations in force under their authority.

This agreement shall continue in force from the date hereof, unless the certificate of the said Teacher should in the meantime be revoked or cease to be valid, and shall not include any teaching on Saturdays, or on other lawful holidays or vacations decided on, *e. g.*

All such holidays and vacations being at the absolute disposal of the Teacher, without any deduction from his salary whatever.

} Trustees.

Teacher.

Dated this day of A. D., 18

SICKNESS.

In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness for a period not to exceed four weeks for the entire year, which period may be increased by the board of school trustees; provided that such trustees employ a legally qualified person to supply his place during sickness. M. S. A. sec. 77.

INSPECTORS.

The sections of the board of education shall have power to appoint inspectors who shall hold office during the pleasure of the section appointing them; to define their duties, and to provide for their remuneration, and such inspectors shall visit the schools and report thereon at least twice a year. M. S. A. sec. 78.

VISITORS.

The visitors in each school district may be :

(*a.*) The resident priest or minister of any denomination, provided always that such priest or minister or ecclesiastic shall only have the right to visit schools under the jurisdiction of the section, whether Protestant or Catholic, to which such priest, minister or ecclesiastic may belong ; M. S. A. sec. 80.

(*b.*) The members of the Provincial Legislature ;

(*c.*) The judges of the court of Queen's Bench and county court ;

(*d.*) The members of each section of the board of education in their respective schools ; and

(*e.*) The trustees of each school district in their own district.

HOLIDAYS.

M. S. A. s. 100. Every Saturday and every statutory holiday shall be a holiday in the public schools ; subject however to such regulations respecting holidays as either section of the board of education may from time to time make for the schools under their jurisdiction.

Regulations of the Protestant Section of the Board of Education in regard to vacations and school terms.

16. The school year shall be divided into two terms, the first term commencing on the first Tuesday in February, the second term commencing on the third Tuesday in August.

17. Holidays and vacations.—(*a*). Every Saturday in the year, together with the first Monday in February, Good Friday, the Queen's Birthday, and one Friday in each school term, when spent in attending meetings of teachers' associations.

(*b*). There shall be two vacations during the year, viz :

The winter vacation from the twenty-fourth day of December inclusive, to the second day of January inclusive.

The summer vacation from the 1st of July to the third Monday in August, both inclusive.

18. The Superintendent is hereby empowered, on the application of any board of school trustees in rural districts, to shorten the period of either vacation, change the time for taking the same or dispense with it altogether, as may seem best suited to the circumstances of the school ; but every such application must include the reasons for making it, stated in full and must be signed by all the trustees ; and no arrangements made upon such application shall supersede an agreement previously made between the trustees and any teacher, without such teacher's consent.

COMPULSORY ATTENDANCE OF CHILDREN.

Every board of school trustees may, with the sanction of their section of the board of education, make, amend or revoke any by-laws for their school district, for any of the following purposes : M. S. A. s. 101.

(*a.*) Requiring the parents or guardians of children of not less than seven years nor more than twelve years of age, as may be fixed by the law, to send such children to school for a certain period in each year, unless sufficient evidence be produced by such parents or guardians, that they cannot do so; and any of the following shall be considered a reasonable excuse :

(1.) That the child is under instruction in some other manner satisfactory to the magistrate before whom the complaint may be brought ;

(2.) That the child has been prevented from attending school by sickness or any unavoidable cause ;

(3.) That such child has reached a standard of education of the same as or greater degree than that to be obtained in such public school, by children of twelve years of age ;

(*b.*) Determining the time during which such children are to attend school ;

(*c.*) Imposing penalties upon parents or guardians for the breach of any by-law, thus :

(1.) Admonition in the form of a note of warning, signed by the chairman of the board of school trustees ;

(2.) Summons to appear before the board of school trustees, and to receive reprimand from the chairman, if merited ;

(3.) Complaints by the board of school trustees to any justice of the peace of the district, who may impose a fine not exceeding twenty-five cents for the first offence, fifty cents for the second, and so on, doubling the last fine for any repetition of the offence.

It shall be competent for any judge of the county court or stipendiary magistrate to investigate and decide upon any complaints made by the trustees or any person M. S. A. s. 102.

authorized by them against any parent or guardian for the violation of any such by-law as is, by the previous section provided or as may be enacted; and it shall be the duty of such judge of the county court to ascertain, as far as may be, the circumstances of any party complained of, for not sending his or their child to school or otherwise educating him or them. and whether the alleged violation has been caused by poverty or ill-health, and in any such case the judge shall not award punishment, but shall report the circumstances to the trustees making the complaint.

NEGLECT—PENALTY.

M. S. A. s. 111. Any justice of the peace, assessor, constable or other officer neglecting or refusing to discharge any duty assigned to him by the provisions of this Act, shall be liable to a penalty for each offence of a sum not exceeding fifty dollars.

M. S. A. s. 119. All former school Acts and amendments thereto shall be and are hereby repealed; but the board of education, superintendents and inspectors, shall continue in office until replaced under the provisions of the present Act; and the school trustees now in office, elected before the passing of this Act, shall remain in office for the term elected; further, all Acts, proceedings and regulations of the board of education, its sections, and boards of school trustees under the previous Act, shall continue in force, until changed under the provisions of the present Act.

SPECIAL PROVISIONS RELATING TO CITIES AND TOWNS.

FORMATION OF SCHOOL DISTRICTS.

M. S. A. sec. 15, as amended by 47 Vic., Cap. 37, sec. 4, and 47 Vic., Cap. 54, sec. 2. The school district of any incorporated city or town shall be the same as the territorial limits of the said city or town, except as hereinafter provided; but nothing herein shall prevent the union of a portion of the adjoining municipality or municipalities to a city or town or portion of a city or town for school purposes as provided in section 12 of this Act; and the first school meeting in in any city or town or school district including a city or town, after its incorporation shall be called by the city or town clerk within two weeks after the holding of the municipal elections, or in case of his failure to do so, by the superintendent of education as soon afterwards as convenient.

DIVISION INTO WARDS: NUMBER OF TRUSTEES; RIGHTS OF THE MINORITY.

(*a.*) It shall be lawful for each section of the board of education to form or sub-divide any city or town or any school district which includes or is included in a city or town, into wards for the election of school trustees, such number of wards not to exceed six in any one case, and to determine the numbr of trustees, not exceeding two, to represent each ward, when the number of such wards is more than one, and to fix the date of the first election of trustees after such formation or sub-division, which election shall take place in each ward at the call of the superintendent, and in each such case the trustees that may then be in office will so remain in office only until such election takes place, irrespective of the date of their appointment; provided that the existing wards for munipal purposes shall be the wards for school purposes in any city or town until such formation or sub-division is effected by the board of education; provided further that the minority shall have power, by the action of their section of the board of education, to maintain their own district as it existed before the incorporation of said city or town, or so to extend their district as to include members of their denomination residing in the vicinity where no school of the same denomination is in operation, but in such cases the children of the residents within the city or town limits only shall be computed in the division of school taxes levied on the incorporated bodies within the city or town; provided also, that the minority being Roman Catholic or Protestant ratepayers (*as the case may be*) shall be at liberty to elect three or more trustees as decided by the board of education, and the trustees so, in anywise elected shall be the trustees of such district.

TERM OF OFFICE.

In all school districts which include or may hereafter include a city or town composed of one ward, there shall be three trustees elected as in rural school districts, after the term of office of those previously in any wise elected has expired, and in all school districts hereafter to be divided into wards there shall be elected at their first meeting, one-half their number, or, if the number to be elected be an odd number, then one less than one-half their number, for a period of two years and the remainder for a period of one year from the date of the previous annual meeting in school districts; the persons to serve two years shall be determined by the order of their

M. S. A. sec. 19, as amended by 43 Vic., Cap. 37, sec. 4, and 47 Vic., Cap. 54, sec. 3.

nomination in case no poll is held, and if a poll be held, then by the number of votes received and in case of an equality of votes, the returning officer by his vote shall decide. And afterwards there shall be elected at the annual meeting a number of trustees equal to the number of those whose term of office has expired, and these newly elected trustees shall remain in office two years, or until their successors are appointed.

ANNUAL MEETING—VOTERS' LIST.

M. S. A. sec. 22. In incorporated cities and towns all annual meetings in each ward shall be held on the first Monday of February in every year, commencing at ten o'clock in the forenoon, and shall be called by the chairman of the respective boards of school trustees. It shall be the duty of the said boards to furnish the chairman of every such meeting with a copy of the Protestant or Catholic voters' list for such ward, as the case may be.

Provided, that when the minority elect only three trustees there shall be but one voting place in the city or town.

QUALIFICATION OF VOTERS—DECLARATION.

M. S. A. sec. 24. In incorporated cities or towns no person shall be entitled to vote at any school meeting for the election of school trustees, or any school question whatsoever, except in the district to which he belongs as a Protestant or Roman Catholic, and unless his name be upon the revised municipal voters' list for the ward in which he offers to vote; and in case any objection be made to the right of any person to vote in a ward, the chairman or returning officer of the election shall, at the request of any elector present, require the person whose right of voting is objected to, to make the following declaration :

" I, A. B., do declare (*or* affirm) that I have been rated on the assessment roll of this school district and that I am legally qualified to vote at this election."

Thereupon the person making such declaration shall be permitted to vote.

NOTE.—Penalty for false declaration. See M. S. A., sec. 112, page 17.

QUORUM OF SCHOOL BOARD.

The quorum of any corporation, board or body constituted under this Act, shall (unless otherwise expressly declared) be an absolute majority of all the members thereof; and the majority of the members present at any meeting regularly held, at which there shall be a quorum, may validly exercise the powers of the corporation. M. S. A. sec. 69.

VACANCY FROM ABSENCE OR NON-RESIDENCE.

If any trustee in cities and towns shall absent himself for three months from the meetings of the board of school trustees, without being authorized so to do by a resolution of the board, or if he ceases to reside in the school district for a period of three months consecutively, his seat shall thereby become vacant. M. S. A. sec. 69.

NOTE.—For disqualifications: see page 18.

BY-LAWS.

The school trustees in cities or towns shall have power to make by-laws which, however, must before they can be enforced, receive the approval of the section of the board of education. M. S. A. sec. 70, sub-sec. (1).

SECRETARY-TREASURER.

In incorporated cities and towns the board of trustees shall have power to appoint one of their number or some other person, as the majority of the board may decide, to be their secretary-treasurer, to determine the amount of salary to be paid such officer, and to impose by by-law such additional duties as may be required by the board of school trustees; and he shall be subject to the same duties, obligations, and penalties as are imposed by this Act. M. S. A. sec. 69.

APPOINTMENT OF INSPECTORS.

The boards of trustees in cities and towns shall have power: M. S. A. sec. 70, as amended by 9 and 10 Geo. V, cap. 40, sec. 13.

(*a.*) To appoint a school inspector, to fix the remuneration to be paid him, and to determine his duties; but such appointment requires the approval of the respective sections of the board of education.

LEVY OF SCHOOL RATES UPON PARENTS OR GUARDIANS.

(*b.*) To levy at their discretion any school rates upon the parents or guardians of children attending the schools of the town or city, such rates not to exceed fifty cents per month on resident pupils, or pupils whose parents or guardians own property in the city or town, and not more than one dollar per month on non-resident pupils, or pupils whose parents or guardians live outside of such city or town and are not the owners of property therein; and such rates if not paid by such parents or guardians into the hands of the secretary-treasurer for public school purposes at such time or times as the board may appoint, may be returned to the clerk of the municipality or municipalities in which the parties so in default reside, and shall by said clerk be placed on the collector's roll and collected in the same manner for account of said board as other school taxes or rates.

INSPECTOR—APPOINTMENT AND DUTIES.

M. S. A. sec. 79, as amended by 47 Vic., Cap. 37, sec. 22.

The boards of trustees of cities or towns shall respectively, with the approval of the section of the Board of Education concerned, have power to appoint a fit and proper person to be inspector or manager of all public schools within the jurisdiction of the board of trustees appointing him, who shall by frequent visits to the schools, and in every other way, do all in his power to improve their character and efficiency; he shall have control of the organization and management of the schools of such city or town and report monthly to the trustees as to their condition and progress; but the schools of such city or town shall be under the supervision of the inspector appointed by the Board of Education for the county in which such city or town is situate, except that in cities and towns in which a collegiate department is or may be established the collegiate inspectors shall have such supervision and report half-yearly to the superintendent.

SCHOOL VISITORS.

M. S. A. sec. 81.

In incorporated cities or towns a general meeting of the visitors may be held at any time or place appointed by any two visitors, on sufficient notice being given to the other visitors; and the visitors thus assembled may devise such means as they may deem expedient for the efficient visitation of the schools, and, in concert with the school authorities, for promoting the establishment of libraries and the diffusion of knowledge.

NOTE.—School visitors defined in the Manitoba School Act, Sec. 80, page 51.

COLLECTION OF TAXES.

M. S. A. sec. 51, as amended by 46 and 47 Vic., Cap. 46, sec. 14, and 47 Vic., Cap. 37, sec. 16.

In case the board of school trustees of any city or town deem it advisable so to do, they may make out an estimate of the sum required in any year for educational purposes, and on or before the first day of May, in each and every year they shall provide the clerk of the city or town with such estimate accompanied with a list of the names of the persons liable to be assessed for the support of the public school or schools of which the board applying are the trustees; but for the year 1884, such estimate and list may be handed to the clerk of the city or town on or before the first day of June; and it shall be the duty of the council of such city or town to levy and collect the amount demanded with the corporation taxes and to pay over the same to the board of school trustees when collected; or the council may from time to time advance to any board of school trustees within their municipality any sum or sums which they may think proper, pending the collection of the school taxes.

ANNUAL REPORT FOR RATEPAYERS AND RETURNS FOR SUPERINTENDENT.

M. S. A. sec. 52.

It shall be the duty of the board of school trustees in cities and towns on or before the fifteenth day of January in each year:

(*a.*) To prepare and publish in one or more public newspapers, or on printed sheets, for the information of ratepayers of the city or town, an annual report of the proceedings and of the progress and state of the schools under their charge and of their receipts and expenditures of all school moneys and to make all returns required by the board of education for the Province, or the sectional board under whose jurisdiction the schools are.

Reports for Superintendent.

Census Returns, before December 1st, but not later than December 10th. See M. S. A., sec. 83 and amending Act. Page 24.

Annual Financial and Statistical Report, within ten days after the annual meeting.

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